

REMARKS

In accordance with the foregoing, a substitute specification is provided and claims 8 and 10-13 are amended. In accordance with the foregoing, claims 8 and 10-13 are amended without narrowing the claims within the meaning of *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.*, 56 USPQ2d 1865 (Fed. Cir. 2000). No new matter is presented and, accordingly, approval and entry of the foregoing amended claims, and substitute specification are respectfully requested.

- Claims 1-14 are pending and under consideration

ITEM 2: OBJECTION TO SPECIFICATION-TITLE

In item 2 of the Action, the Examiner objects to the specification contending the title is not descriptive. Applicants respectfully point out that the title was previously changed to read as the Examiner suggests in the Amendment filed January 28, 2005.

Withdrawal of the objection is requested.

ITEM 3: OBJECTION TO SPECIFICATION

In item 3 of the Action, the Examiner contends that the specification needs to be revised to correct "grammatical and idiomatic errors." The specification is amended herein and a marked and clean substitute specification are provided. Withdrawal of the objection is requested..

ITEMS 5-6: REJECTION OF CLAIMS 8, 9, AND 10 UNDER 35 U.S.C. §101 AS DIRECTED TO NON-STATUTORY SUBJECT MATTER

In items 5-6 of the Action, the Examiner rejects claims 8, 9, and 10 under 35 U.S.C. §101 as directed to non-statutory subject matter.

Claims 8, 9, and 10 are amended herein as suggested by the Examiner, and withdrawal of the rejection is requested.

ITEMS 8-12: REJECTION OF CLAIMS 1-14 UNDER 35 U.S.C. §102(e) AS ANTICIPATED BY ART LI (U.S.P. 6,799,214)

In items 8-12, the Examiner rejects claims 1-14 under 35 U.S.C. §102(e) as anticipated by Li (U.S.P. 6,799,214).

As provided in MPEP §706.02 entitled Rejection on Prior Art, anticipation requires that the reference must teach every aspect of a claimed invention. Applicants submit that Li does not support an anticipatory-type rejection by not describing features recited in the present application's independent claims.

Independent claim 1 recites a distribution system including "a parent server . . . receiving an area identification representing a geographical position of one of the clients and . . . using the received area identification and identification information, and notifying the one of the clients that originates the distribution request of logical position information of the selected one of the child servers." (Emphasis added).

Independent claims 5 and 9 recite, respectively, a distribution system and a computer program product incorporated on a computer-readable medium including "ascertaining a presence or an absence of a distribution request or a frequency of distribution requests for the contents from the one of the clients situated in an area for which the one of the child servers is responsible . . . and acquiring . . . the contents that are not held by the one of the child servers on a basis of the ascertained presence." (Emphasis added).

Independent claim 10 recites a computer program product including "deleting from the child server. . . for the contents from the clients situated in an area for which one of the child servers is responsible." (Emphasis added).

Independent claim 11 recites a method including "selecting by the parent server, on a basis of the received area identification of the one of the clients and contents identification information, one of the child servers." (Emphasis added).

Independent claim 12 recites a method including "ascertaining a presence or an absence of a distribution request or a frequency of distribution requests in respect of the contents from the clients situated in an area for which one of the child servers is responsible." (Emphasis added).

Independent claim 13 recites a distribution system wherein "the parent server selects, on a basis of the area identification of the one of the clients and the contents identification information that is communicated thereto, one of the child servers that holds the contents, . . . distribution of which is requested from the selected one of the child servers, on the basis of the logical position information of the selected one of the child servers."

That is, according to aspects of the present invention, in a distribution system that includes a parent server and a child server, the parent server receives an area id representing geographical position of the client originating the request, and selects one of the child servers that hold the contents requested, using the received area id. (See, for example, page 26, lines 7-17 relating to "child servers associated with General Information Centers that cover respectively the Tokyo area and the Kanagawa area."; and page 18, lines 15-21)

Li does not teach such "an area id representing geographical position." Further, Li does not teach a child server using a received area id, or a selecting based on area identification for which the child server is responsible.

Rather, Li merely teaches (col. 2, lines 45):

although end users 92 and mirror sites 22 and 100 may be geographically close, they may be located on completely different networks. Thus, the process of selecting and copying content into a mirror site and informing end user 92 that the desired content can be found in a particular mirror site is not necessarily a simple matter of geography.

and (col. 13, lines 31-32) that "daemon program 42 may base its redirection criteria on the requestor's IP address or geographic location."

Summary

Since features recited by claims 1-14 are not taught by the cited art, the rejection should be withdrawn and claims 1-14 allowed.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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Date: September 12, 2005

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